

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

ELITE MOTORSPORTS LLC,)
)
Plaintiff,)
)
)
v.) **No. CIV-24-72-R**
)
PEOPLEASE, LLC,)
)
Defendant.)
)
)
)

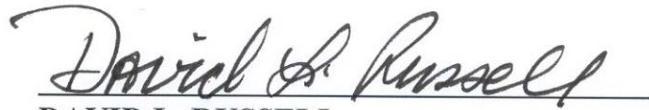
ORDER

Defendant Peoplease, LLC has filed a Motion to Dismiss [Doc. No. 9] contending that Plaintiff Elite Motorsports, LLC lacks the capacity to maintain a lawsuit because it failed to file an annual certificate with the Oklahoma Secretary of State and is therefore not in good standing. Under Oklahoma law, “[a] domestic limited liability company that has ceased to be in good standing...may not maintain any action, suit or proceeding in any court of this state until the domestic limited liability company has been reinstated as a domestic limited liability company in good standing... .” Okla. Stat. tit. 18, § 2055.2(F). However, if a limited liability company is reinstated, “the reinstatement relates back to and takes effect as if the domestic limited liability company had never ceased to be in good standing.” *Id.* at § 2055.3(B).

In its response brief [Doc. No. 10], Plaintiff has submitted a Certificate of Reinstatement showing that it was reinstated as of January 26, 2024. Because Plaintiff has been reinstated and is now in good standing, Defendant's argument that Plaintiff lacks the capacity to maintain this suit is moot. *See KLMN Mansions S., LLC v. Travelers Prop. Cas. Co. of Am.*, No. CIV-20-1174, 2021 WL 2583559, at *2 (W.D. Okla. June 23, 2021) ("Because Plaintiff has been reinstated with the Office of the Secretary of State, Defendant's claims as to Plaintiff's ability to assert and maintain this lawsuit are moot."); *Wells Fargo Bank, N.A. v. Hous. Found.*, No. 10-CV-0548-CVE-FHM, 2011 WL 1833378, at *5 (N.D. Okla. May 6, 2011) ("Because the LLC has now registered properly, defendants' claims as to its ineligibility to file suit are moot.").

Accordingly, Defendant Peoplease, LLC's Motion to Dismiss Elite Motorsports, LLC for Lack of Capacity [Doc. No. 9] is DENIED.

IT IS SO ORDERED this 20th day of February, 2024.



DAVID L. RUSSELL
UNITED STATES DISTRICT JUDGE